IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Bail Appl..No. 4077 of 2007()

(CRIME NO. 461/2002 of EZHUKONE POLICE STATION
L.P. NO. 4/2007 of ASSISTANT SESSIONS COURT, KOTTARAKKARA)

PETITIONER/ACCUSED

YOHANNAN @RAJU S/O.CHACKO,
BIJUBHAVAN, EDAIKIDOM MURI,
EZHUKONE VILLAGE,KOTTARAKKARA TALUK.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA-REPRESENTED BY
SUB INSPECTOR OF POLICE,EZHUKONE POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. P.N. SUKUMARAN, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4077 of 2007

Dated this the 3rd day of July, 2007

ORDER

Application for regular bail. The petitioner is the accused in a pending Sessions case (S.C.1846 of 2003) before the Assistant Sessions Court, Kottarakkara for offences punishable under Sections 332 and 333 I.P.C. The alleged offence took place on 28.10.2002. Investigation is complete. Final report has already been filed. The case stands committed to the Court of Sessions. But the petitioner did not appear before the learned Assistant Sessions Judge. Consequently warrant of arrest was issued against the petitioner. The petitioner surrendered before the learned Assistant Sessions Judge on 20.06.2007. His application for bail stands dismissed and the petitioner continues in custody.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. His absence earlier was not wilful and was due to reasons beyond his control. He is prepared to co-operate with the further progress of the case. He is prepared to abide by any appropriate conditions. The petitioner may not be compelled to undergo incarceration till the Session Case is disposed of, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor only submits that appropriate orders may be passed, but it may be ensured that the petitioner shall be available for trial.

4. I am satisfied, in these circumstances, that the petitioner can now be released on bail subject to appropriate terms and conditions.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Judge;

ii) The petitioner shall not leave the State of Kerala without appropriate permission of the learned Assistant Sessions Judge until the case against him is disposed of;

iii) The petitioner shall forthwith surrender his passport before the learned Assistant Sessions Judge, who shall release the passport to the petitioner only after the trial of the case is over;

iv) The petitioner, after his release, shall report to the S.H.O of Ezhukone Police Station between 5 p.m and 6 p.m on the first Sunday of all English Calendar months, until the case against him is finally disposed of.

(R.BASANT, JUDGE)

rtr/-